

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

(1) JUANITA DAVIS, )  
Plaintiff, )  
vs. ) Case No. \_\_\_\_\_  
(1) AKIN'S AND )  
(2) CHAMBERLAINS NATURAL )  
FOODS, )  
Defendants. )

## **NOTICE OF REMOVAL**

COMES NOW the Defendant, Health Food Associates, Inc. d/b/a Akin's Natural Foods ("Akins"), and pursuant to 28 U.S.C. § 1446(b), hereby files this Notice of Removal of the above-described action to the United States District Court for the Western District of Oklahoma, from the District Court of Oklahoma County, State of Oklahoma, where the action is now pending, and states as follows:

1. All defendants join in the removal of the above action. Akins and Chamberlin Natural Foods are subsidiary companies of Health Food Associates, Inc. Plaintiff was employed by Akins and never employed by Chamberlin Natural Foods.

2. The above entitled action was commenced by the Plaintiff, Juanita Davis, *pro se*, on September 18, 2009 in the District Court of Oklahoma County, State of Oklahoma, and is now pending in that Court and is docketed as Case No. CJ-2009-8830. Process was served upon Akins on September 29, 2009.

3. It appeared from Plaintiff's Petition that said case was originally filed as a civil action for wrongful termination of her employment with Akins.

4. On or about February 16, 2010, Plaintiff obtained legal counsel who, on February 19, 2010, filed a Motion to File Amended Petition and for Issuance of a New Scheduling Order ("Motion").

5. On June 18, 2010, the Court granted Plaintiff's Motion, and on the same day Plaintiff filed her Amended Petition.

6. In her Amended Petition, Plaintiff alleges harassment and retaliation regarding her race, non-gay sexual orientation, and religious belief (Amended Petition, ¶ 31). Plaintiff claims in the Amended Petition that her causes of action are brought under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 2000e, *et seq.* (Amended Petition, ¶¶ 2, 5 and 6) and 42 U.S.C. § 1981 (Amended Petition, ¶¶ 3 and 6). Plaintiff has therefore claimed a right or privilege arising under federal law, of which she will be deprived if her claim is not sustained. This is therefore an action of which this Court has federal question jurisdiction under 28 U.S.C. § 1331, and is therefore one which may be removed to this Court by Akins pursuant to 28 U.S.C. § 1446.

7. Copies of all process, pleadings, and orders served upon Akins, as well as Akins' Answer and Amended Answer herein, are filed with this Notice, being collectively attached hereto as Exhibit "1."

8. Akins will give written notice to Plaintiff of the filing of this Notice as required by 28 U.S.C. § 1446(d).

9. A copy of this Notice will be filed with the Clerk of the District Court of Oklahoma County, Oklahoma, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Akins requests that this action proceed in this Court as an action properly removed to it.

Respectfully,

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d/b/a Akin's Natural Foods

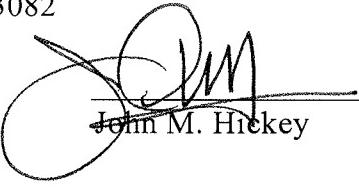
**JURY TRIAL DEMANDED  
AS TO ALL LEGAL CLAIMS**

**Certificate of Service**

I, John M. Hickey, hereby certify that on the 14<sup>th</sup> day of July, 2010, a true and correct copy of the above and foregoing Notice of Removal was mailed, postage prepaid thereon, to:

Charles J. Watts, Esq.  
600 North Walker, Suite 101  
Oklahoma City, Oklahoma 73102-3082

HEFOAS-10004

  
John M. Hickey